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JAN 25 2006

U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte DR. WERNER GROH, MICHAEL SCHOPS, DR. WILLI SEISS,
ROLF SCHWARZ, MONIKA NAGL, WOLFGANG GREISER
MICHAEL ZEINER and JURGEN UMMINGER

Application No. 09/619,531

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on January 6, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

On March 25, 2005, an Examiner's Answer was mailed. A review of the Examiner's Answer reveals that the information contained therein pertaining to the appeals conference is not in compliance with the Manual of Patent Examining Procedure (MPEP) § 1208 (8th ed., Rev. 2, 2004) ; § 1207.01 (8th ed., Rev. 4, 2005). The MPEP states in part:

On the examiner's answer, below the primary examiner's signature, the word "Conferee should be included, followed by **the typed or printed names** of the other two appeal conference participants. **These two appeal conference participants must place their initials next to their name.** This will make the record clear that an appeal conference has been held. (Emphasis added)

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One of the conferees listed in the Examiner's Answer (Terrel Morris), has not signed/initialed next to his/her typed name as required by MPEP § 1208 as noted above.

Furthermore, the Examiner's Answer does not comply with the headings as set forth in the new rules under 35 U.S.C. § 41.37 (c). Correction is required.

Accordingly, it is

ORDERED that the application is being returned to the Examiner:

- (a) for the examiner to submit a Revised Examiner's Answer correcting the deficiencies as noted above,
- (b) for the Examiner to mail a copy of the corrected answer to appellants, and
- (c) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By:



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